

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

**BANCO POPULAR DE PUERTO RICO,
et al.,**

Plaintiffs,

v.

LATIN AMERICAN MUSIC, et al.,

Defendants.

CRIM. NO. 01-1142 (GAG)

MEMORANDUM OPINION AND ORDER

Presently before the court is BPPR's motion for summary judgment (Docket No. 335), which was timely opposed by GVLI (Docket Nos. 384 & 385). For the reasons stated herein, the court **GRANTS** in part and **DENIES** in part BPPR's motion.

Civil actions under the Copyright Act are governed by a three-year statute of limitations. 17 U.S.C. § 507(b). Moreover, a claim for copyright infringement "accrues at the time that the infringement upon which the suit is based occurred." Barksdale v. Robinson, 211 F.R.D. 240, 245 (S.D.N.Y. 2002) (quoting 3 Nimmer on Copyright § 12.05[A]); see also Waters v. Walt Disney World Co., 237 F.Supp.2d 162, 166-67 (D.R.I. 2002) (barring copyright infringement claim on statute of limitations grounds, stating, that "neither the ignorance of a person of his right to bring an action nor the mere silence of a person liable to the action prevents the running of the statute of limitations."); Repp. v. Webber, 914 F.Supp. 80 (S.D.N.Y. 1996) ("[P]eriod of limitations begins to run from the moment the defendant commits an infringement."). In as much as GVLI is alleging acts outside the statutory three-year period prior to the filing of the complaint in the case at bar, those claims are time-barred. The court, thus, **GRANTS** in part BPPR's motion for summary judgment on this ground.

However, the court **DENIES** BPPR's argument that GVLI lacks standing to claim infringement of performance rights regarding "Genesis." In Venegas-Hernandez v. Peer, 424 F.3d 50 (1st Cir. 2005), it was held that the rights over the compositions of Guillermo Venegas Lloveras

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1 belonged to his widow and children on a 50-50 basis.

2 **SO ORDERED.**

3 In San Juan, Puerto Rico this 8th day of October, 2009.

4
5 *S/ Gustavo A. Gelpi*

6 GUSTAVO A. GELPI
7 United States District Judge
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